

REMARKS

The Office Action dated May 18, 2009 has been reviewed and the comments of the U.S. Patent and Trademark Office have been considered. The above amendments and the following remarks are respectfully submitted to place the application in condition for allowance.

1. Claim Status

Claims 39, 45 – 46, 54 -55, 58 and 60 are currently pending in this application, of which claims 39, 54 and 58 are independent. Claims 1 - 38 are previously canceled without prejudice. Claims 40 - 44, 47 - 53, 56, 57 and 59 are withdrawn from consideration.

Claims 39, 54 and 58 are currently amended. Applicants respectfully submit that no new matter has been added by the amendments. Support for the amended claims may be found at, for example, specification at page 6, lines 15 – 20, specification at page 10, lines 5 - 10 and 16 – 22, and specification at page 11, lines 5 – 7.

Applicants respectfully request reconsideration and allowance of the pending claims.

2. Claim Rejections under 35 USC §103

Claims 39, 45 – 46, 54, 58 and 60 are rejected for allegedly being unpatentable over Walker et al., U.S. Patent No. 6,345,090 (“Walker”), in view of the published article, “Bell offers Answers for Commonly Asked Customer Questions”, Anonymous, St Louis Business Journal (St. Louis MO, US), v7 N26 s3 p1c, March 23, 1987 (“Bell”).

Applicants respectfully submit that the independent claims of the present invention as amended teach the following limitations: receiving one or more requests for purchasing at least one type of telecommunication service selected from the several types of telecommunication services at a server, the one or more requests being associated with a buyer; receiving information from the buyer during the purchase of at least one type of telecommunication service regarding prior use of the selected at least one type of telecommunication services of the buyer associated with a previous seller of telecommunication service; receiving a plurality of questions from the buyer during the purchase of at least one type of telecommunication service, the questions being associated with a provider of the selected at least one type of telecommunication services; generating an offer to provide the selected at least one type of telecommunication service to the buyer in response to receiving the one or more requests and receiving the information, the offer being associated with a provider of telecommunication services.

Walker, the primary reference cited by the Examiner, is directed to a telephone calling system, and more particularly to a method and system for receiving and processing offers from a calling party to place one or more telephone calls in accordance with restrictions set by the calling party. Additionally, Bell, a secondary reference cited by the Examiner to cure the deficiencies in the Walker reference, is an article that discloses responses to questions by residential customers about the scope of service provided by Southwestern Bell Telephone. Both references individually and in combination fail to teach, suggest or disclose the limitations discussed above. Thus, a combination of the primary reference with the secondary reference fails to teach all of the limitations of the independent claims of the present inventions, and

therefore there would have been no motivation for one of ordinary skill in the art at the time of the invention to combine the Walker and Bell references.

At best, Walker in view of Bell discloses a system for existing users of a local telephone services to make long distance telephone calls by enabling a calling party to purchase long distance services for telephone calls to one or more called parties in accordance with the restrictions setup by the calling party and responses to questions from residential customers about the scope of service from a particular telephone company. The combination of Walker in view of Bell, fails to teach, suggest or disclose all the limitations of the present invention. For example, Walker teaches a “[C]onditional purchase offer (CPO) management system... that processes offers from a calling party to place one or more telephone calls in accordance with restrictions defined by the calling party.” (Walker at Abstract, Col. 2, ll. 62 – 66). The CPO management system

“processes the CPO to determine whether one or more long distance carriers, referred to ...as an “interexchange carrier” or “carrier,” is willing to accept a given CPO and complete a telephone call in accordance with restrictions defined by the calling party. ...a calling party can submit a CPO for an individual telephone call, a package of calls to one or more called parties, or for a contract to provide telephone service for a predefined period of time. The conditions defined by the calling party may include the telephone number to be called, the maximum price, one or more preferred carriers, if any, as well as any time limitations...”
(Walker at Col. 3, ll. 8 - 26).

Thus the CPO management system disclosed above in Walker is limited to solely purchasing long distance service from multiple carriers, where the “buyer ...[is] an existing user of telecommunication services from a local company...” (Office Action at Page 3). Whereas, the

independent claims of the present invention as amended recites the limitation discussed above, which may be used to purchase multiple types of telecommunications services, for example, “local, long distance, toll free, calling card, Internet, conference calling, private line/data, etc,” (Specification at Page 10, ll. 5 -7), as opposed to solely purchasing long distance service, as disclosed by Walker. Further, the present invention allows the buyer to purchase local service in addition to long distance services, whereas a local service is a prerequisite in order to use the use the CPO management system disclosed in Walker. Bell or a combination of Walker and Bell does not remedy this shortcoming. Thus, Walker fails to teach all of the claimed limitations of the present invention.

In another Example, Walker teaches that the CPO management system “customer database 400 preferably stores information on each customer of the CPO management system 100, including ... an[] indication of the local telephone company serving each customer.” (Walker at Col. 8 lines 14 -18, Col. 8 lines 59 - 63). The customer database stores “the [customer’s] telephone number ...[that] may be utilized, for example, as a customer identifier to index a historical database ...of previous transactions associated with the customer.” (Walker at Col. 9 lines 3 -5). Thus, the CPO management system disclosed by Walker may be used to retrieve a calling party’s previous transactions for purchasing long distance service with the CPO management system and not to access a buyer’s prior use information from other sellers for the type of service selected during the purchase as disclosed by the independent claims of the present invention as discussed above. Thus, Walker fails to teach all of the claimed limitations of the present invention. In addition, page 9 of the Office Action suggests that Bell discloses “using

prior use information from the customer/buyer in redesigning and improving the services and products offered to the buyer/customer.” In fact, Bell teaches that “Customers may be asked for a deposit if they have had prior credit problems with the telephone company. The amount of deposit for a new applicant would be twice the average monthly bill for all residential subscribers.” (Bell at Page 2). Nevertheless, Bell fails to teach, suggest or disclose a buyer purchasing several types telecommunication service with a computer system. Further, Bell discloses using a customer’s previous history with Southwestern Bell Telephone company to determine a customer’s creditworthiness and not to redesign or improve the services offered to the buyer. Therefore, Walker, Bell and combinations thereof fail to teach all of the limitations of the present invention as recited above.

In a further example, the Office Action suggests that “Walker does not explicitly teach receiving a plurality of questions from the buyer.” (Office Action at Page 9). The Examiner attempts to cure this deficiency in Walker, with a secondary reference, Bell. In fact, as discussed above, Bell simply provides responses to questions from Residential customers of Southwestern Bell Telephone regarding its scope of services. Further, Bell fails to teach, suggest or disclose a buyer purchasing several types telecommunication service with a computer system, or whether the customers asked the questions during the purchase of the telecommunication services as opposed to after the purchase. Therefore, Bell fails to teach “receiving a plurality of questions from the buyer during the purchase of at least one type of telecommunication service, the questions being associated with a provider of the selected at least one type of telecommunication services,” as recited by the independent claims of the present invention. Thus Bell fails to cure

the deficiencies of Walker and the combination does not teach all of the claimed limitations of the present invention.

Therefore, Walker in view of Bell fails to teach all of the claimed limitations of present invention discussed above.

For at least the foregoing reasons, Applicants respectfully submit that independent claims 39, 54 and 58 are patentable over Walker in view of Bell. Dependent claims 45 – 46, 55, and 60 depend from independent claims 1 and add further patentable features to the patentable features of the independent claims 39, 54 and 58.

Therefore, claims 45 – 46, 55, and 60 are patentable over Walker in view of Bell. Withdrawal of the rejection and allowance of all claims is respectfully requested by the Applicants.

3. CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicants submit concurrently a Request for Continued Examination pursuant to 37 C.F.R. § 1.114, and the accompanying fees. Please charge our Credit Card in the amount of \$405.00 covering the fees set forth in 37 C.F.R. § 1.17(e). In the event that any additional extensions of time are necessary to prevent the abandonment of this patent application, then such extensions of time are petitioned. The U.S. Patent and Trademark Office is authorized to charge any additional fees that may be required in conjunction with this submission to Deposit Account

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Number 50-2228, under Order No. 026624.0103PTUS, from which the undersigned is authorized to draw.

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